

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MARK A. MCCLURE, ET AL.,	§
	§
Plaintiffs,	§
	§
v.	§ C.A. No. 4:23-cv-4045
	§
SPECIALIZED LOAN SERVICING, LLC	§
ET AL.,	§
	§
Defendants.	§
	§

**PLAINTIFFS' RESPONSE TO MCCARTHY HOLTHUS, LLP'S MOTION TO DISMISS**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, PLAINTIFFS Mark A. McClure and Kerry R. McClure and file this response to McCarthy Holthus, LLP's Motion to Dismiss, and state as follows.

Plaintiffs put forth that Defendant's Motion to Dismiss is one made under the Texas Property Code, and, as such, under Section 51.007 (c) any dismissal must be without prejudice.

Wherefore, Premises Considered, Plaintiffs move that any dismissal the Court may enter under the Texas Property Code, as moved for by defendant, be made without prejudice.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of December, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Kenna M. Seiler  
Kenna M. Seiler